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Approved for use through 9/30/2001, OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

*(only for new nonprovisional applications under*

37 CFR 1.53(b))

Attorney Docket Number	22845-06282
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<i>First Named Inventor</i>	Matthew D. Pierce
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Title	Services based on position location using broadcast digital television signals
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Express Mail Label No. EL566109157US

## ACCOMPANYING APPLICATION PARTS

1. ☒ Free Transmittal Form (in duplicate) \_\_\_\_\_
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27 \_\_\_\_\_
3. ☒ Specification Total Pages 61  
(preferred arrangement set forth below)
- ☒ Descriptive Title of the Invention
  - ☒ Cross Reference(s) to Related Case(s)
  - ☒ Statement Regarding Fed sponsored R & D
  - ☒ Background of the Invention
  - ☒ Brief Summary of the Invention
  - ☒ Brief Description of the Drawing(s)
  - ☒ Detailed Description
  - ☒ Claim or Claims
  - ☒ Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. *Total Sheets* 38  
113)
5. Oath or Declaration
- a. ☒ New Declaration Total Pages 1
- ☒ Executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76 \_\_\_\_\_

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
9. ☒ Power of Attorney or Authorization of Agent
10. ☐ 37 CFR 3.73(b) Statement
11. ☐ Preliminary Amendment
12. ☐ Information Disclosure Statement & PTO-1449  
☐ Copies of IDS Citation(s)
13. ☒ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form  
PTO/SB/35 or its equivalent
14. ☒ Return Postcard
15. ☐
16. ☐
17. ☐

ADDRESS TO:

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No: 09/932,010  
Prior application information: Examiner: Unassigned Group/Art Unit: 2611

which is a ☒ Continuation-in-part (CIP) of prior application No: 09/887,158  
*Prior application information:* *Examiner:* Unassigned *Group/Art Unit:* 3662


**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**



☐ *Customer Number and Bar Code Label*

00758

Name (Print/Type)	Michael W. Farn	Registration No. (Attorney/Agent)	41,015
Signature		Date	November 8, 2001

0002/PTO(modified)  
Rev. 10/2001U.S. Department of Commerce  
Patent and Trademark Office**FEE TRANSMITTAL****TOTAL AMOUNT OF PAYMENT**Subtotal (1) + Subtotal (2) + Subtotal (3) = **(\$)845****Complete if Known**

Application Number	Unassigned
Filing Date	November 8, 2001
First Named Inventor	Matthew D. Pierce
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	22845-06282

**METHOD OF PAYMENT****1. The Commissioner is hereby authorized to:**

- ☐ Charge the indicated fees to the below mentioned deposit account.
- ☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. †
- ☒ Applicant claims small entity status  
See 37 CFR 1.27

Deposit Account Number: 19-2555

Deposit Account Name: FENWICK &amp; WEST LLP

A Duplicate Copy of this authorization is attached

**2. ☒ Payment Enclosed:**☒ Check ☐ Credit Card ☐ Other**FEE CALCULATION (fees effective 10/01/2001)****1. FILING FEE**

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$740	201/\$370	Utility Filing	<b>370</b>
106/\$330	206/\$165	Design Filing	
108/\$740	208/\$370	Reissue	
114/\$160	214/\$80	Provisional Filing	
<b>SUBTOTAL (1)</b>			<b>(\$)370</b>

**2. CLAIMS**

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$84	202/\$42	Independent claims in excess of 3
104/\$280	204/\$140	Multiple dependent claim
109/\$84	209/\$42	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent

**3. ADDITIONAL FEES**

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/\$130	205/\$65	Surcharge - late filing fee or oath	
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	
147/\$2,520	147/\$2,520	For filing a request for reexamination	
115/\$110	215/\$55	Extension for response within first month†	
116/\$400	216/\$200	Extension for response within second month†	
117/\$920	217/\$460	Extension for response within third month†	
118/\$1,440	218/\$720	Extension for response within fourth month†	
128/\$1,960	228/\$980	Extension for response within fifth month†	
119/\$320	219/\$160	Notice of Appeal	
141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application	
142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)	
143/\$460	243/\$230	Design Issue Fee	
122/\$130	122/\$130	Petitions to the Commissioner	
126/\$180	126/\$180	Submission of Information Disclosure Statement	
179/\$740	279/\$370	Request for Continued Examination (RCE)	
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<b>40</b>
146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))	
149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify):			
Other fee (specify):			
<b>SUBTOTAL (3)</b>			<b>(\$)40</b>

(Col. 1)		(Col. 2)		(Col. 3)		Fee		Fee Due
For	No. of Existing Claims	minus*	Highest No Previously Paid For	=	Extra**	x		
TOTAL	59	minus*	20 or 0	=	39	x	9	= 351
INDEP	5	minus*	3 or 0	=	2	x	42	= 84
[ ] First presentation of multiple dependent claim								= 0

\* Subtract the greater number of Col. 2

\*\* If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

**SUBTOTAL (2)** **(\$)435****SUBMITTED BY**Typed or Printed Name **Michael W. Farn**

Signature

**Complete (if applicable)**Reg. Number **41,015**Date **November 8, 2001**

† Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>		First Named Inventor	Matthew D. Pierce
		Title	Services based on position location using broadcast digital television signals
		Atty Docket Number	22845-06282

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 8, 2001  
Date

  
Signature

Michael W. Farn, Reg. No. 41,015  
Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.